THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27450 OF 2005

Dt.2.1.2006

Between:

PMC Bar and Restaurant, Hyderabad,

Rep. by its Partner, Khaleel Ahmeed. … Petitioner

And

The Commissioner of Police, Hyderabad

City, Basheerbagh, Hyderabad and

Another. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

This writ petition is filed to declare the action of the respondents in interfering and preventing the petitioner from running the Bar and Restaurant in providing entertainment by playing live band/orchestra in the petitioner's premises as illegal and violative of the judgment of the Apex Court and consequently permit the petitioner for conducting orchestra/live band in the premises of the petitioner.

This Court by order dated 26.12.2005 directed to post this writ petition along with W.P.No.26241 of 2005 pending before the Division Bench. The said writ petition has been disposed of by the Division Bench and accordingly this writ petition is also disposed of in terms of the order of the aforesaid writ petition.

The case of the petitioner is that it has obtained licence from the excise authorities for running Bar and Restaurant from the excise authorities to vend liquor in retail in the Bar in accordance with the provisions of the A.P.Excise Act and Rules vide Licence No.388/2005-06 dt.8.11.2005 valid up to 30.6.2006. Apart from the sale of liquor, the petitioner is also serving food. Being the public place of amusement, the petitioner is required to take licence from the Commissioner of Police, Hyderabad. Pursuant to the order of this Court dated 1.12.2005 in W.P.No.25049 of 2005, the petitioner filed an application for grant of police licence on 14.12.2005, but the same is pending before the first respondent.

The learned counsel for the petitioner submits that a batch of writ petitions has been disposed of on 9.11.2005 directing the first respondent to consider and pass appropriate orders on the representations made by the petitioners therein. As the respondents have so far not complied with the orders, the writ petitioners preferred a batch of writ appeals which were disposed of by a Division Bench of this Court on 23.12.2005 directing the respondents to pass appropriate orders on the representations of the applicants and the applicants were allowed to carry on their activities in accordance with the licences granted and if the applicants feel aggrieved by the orders which may be passed by the first respondent, then they shall be free to avail appropriate legal remedy.

Having regard to the facts and circumstances of the case and following the order of the Division Bench of this Court, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders on the representation made by the petitioner for allowing them to have live band/orchestra in their Bar and Restaurant in accordance with the licence issued to them. Further, the respondents shall also not interfere with the activity, if the petitioner uses live band/orchestra. However, if other activities are carried out in the Bar and Restaurant, the authorities concerned shall be free to take appropriate action in accordance with law. If the petitioner feels aggrieved by the orders, which may be passed by the first

respondent, then the petitioner shall be free to avail appropriate legal remedy.

With the directions indicated above, the writ petition is disposed of in terms of the judgment of the Division Bench in a batch of writ appeals. No costs.

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(V.ESWARAIAH, J.)

2.1.2006

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